

# HOUSE BILL 1482

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By: **Prince George's County Delegation and Montgomery County Delegation**

Introduced and read first time: March 1, 2010

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Minority Business Enterprise**  
3 **Participation Goals**

4 **PG/MC 117–10**

5 FOR the purpose of requiring the Washington Suburban Sanitary Commission to  
6 structure procurement procedures for certain contracts awarded by the  
7 Commission to try to achieve certain participation levels of certain minority  
8 business enterprises; and generally relating to the Washington Suburban  
9 Sanitary Commission minority business enterprise utilization program.

10 BY repealing and reenacting, with amendments,  
11 Article – Public Utility Companies  
12 Section 20–203(b) and 20–204(a)  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2009 Supplement)  
15 (As enacted by Chapter \_\_\_ (S.B. 96) of the Acts of the General Assembly of  
16 2010)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Public Utility Companies**

20 20–203.

21 (b) (1) By resolution and adopting regulations, the Commission shall  
22 establish a mandatory minority business enterprise utilization program to facilitate  
23 the participation of responsible certified minority business enterprises in contracts  
24 awarded by the Commission in accordance with its competitive bidding or proposal  
25 procedures under Subtitle 1 of this title.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) THE COMMISSION SHALL STRUCTURE PROCUREMENT**  
2 **PROCEDURES FOR CONTRACTS AWARDED BY THE COMMISSION IN ACCORDANCE**  
3 **WITH ITS COMPETITIVE BIDDING OR PROPOSAL PROCEDURES UNDER SUBTITLE**  
4 **1 OF THIS TITLE, CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE, TO TRY**  
5 **TO ACHIEVE THE FOLLOWING RESULTS:**

6                   **(I) A MINIMUM OF 7% OF THE TOTAL DOLLAR VALUE OF**  
7 **CONTRACTS AWARDED BY THE COMMISSION IS TO BE MADE DIRECTLY OR**  
8 **INDIRECTLY FROM CERTIFIED MINORITY BUSINESS ENTERPRISES CLASSIFIED**  
9 **AS AFRICAN AMERICAN-OWNED BUSINESSES;**

10                   **(II) A MINIMUM OF 10% OF THE TOTAL DOLLAR VALUE OF**  
11 **CONTRACTS AWARDED BY THE COMMISSION IS TO BE MADE DIRECTLY OR**  
12 **INDIRECTLY FROM CERTIFIED MINORITY BUSINESS ENTERPRISES CLASSIFIED**  
13 **AS WOMEN-OWNED BUSINESSES; AND**

14                   **(III) AN OVERALL MINIMUM OF 25% OF THE TOTAL DOLLAR**  
15 **VALUE OF CONTRACTS AWARDED BY THE COMMISSION IS TO BE MADE**  
16 **DIRECTLY OR INDIRECTLY FROM ALL CERTIFIED MINORITY BUSINESS**  
17 **ENTERPRISES.**

18           **(3) The Office shall administer the program established under this**  
19 **subsection.**

20 20-204.

21           (a) (1) By resolution and adopting regulations, the Commission shall  
22 establish a minority business enterprise utilization program to facilitate the  
23 participation of responsible certified minority business enterprises in contracts  
24 awarded by the Commission for goods and services that are not covered under  
25 § 20-203 of this subtitle[, if the Commission determines that:

26                   (i) minority business enterprises are underrepresented in the  
27 award of these contracts due to the effects of past discrimination; and

28                   (ii) a program is necessary to remedy the effects of this past  
29 discrimination].

30           **(2) THE COMMISSION SHALL STRUCTURE PROCUREMENT**  
31 **PROCEDURES FOR CONTRACTS AWARDED BY THE COMMISSION FOR GOODS AND**  
32 **SERVICES THAT ARE NOT COVERED UNDER § 20-203 OF THIS SUBTITLE TO TRY**  
33 **TO ACHIEVE THE FOLLOWING RESULTS:**

1                   **(I) A MINIMUM OF 7% OF THE TOTAL DOLLAR VALUE OF**  
2 **CONTRACTS AWARDED BY THE COMMISSION IS TO BE MADE DIRECTLY OR**  
3 **INDIRECTLY FROM CERTIFIED MINORITY BUSINESS ENTERPRISES CLASSIFIED**  
4 **AS AFRICAN AMERICAN-OWNED BUSINESSES;**

5                   **(II) A MINIMUM OF 10% OF THE TOTAL DOLLAR VALUE OF**  
6 **CONTRACTS AWARDED BY THE COMMISSION IS TO BE MADE DIRECTLY OR**  
7 **INDIRECTLY FROM CERTIFIED MINORITY BUSINESS ENTERPRISES CLASSIFIED**  
8 **AS WOMEN-OWNED BUSINESSES; AND**

9                   **(III) AN OVERALL MINIMUM OF 25% OF THE TOTAL DOLLAR**  
10 **VALUE OF CONTRACTS AWARDED BY THE COMMISSION IS TO BE MADE**  
11 **DIRECTLY OR INDIRECTLY FROM ALL CERTIFIED MINORITY BUSINESS**  
12 **ENTERPRISES.**

13                   **(3) The Office shall administer the program established under this**  
14 **subsection.**

15                   **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
16 **October 1, 2010.**